

Exhibit A

In the Matter Of:

*EDWARD ALAN YEARTA vs
AMUSEMENTS OF AMERICA
2:17-cv-2117 SHM-egb*

RONALD DOUBERLY

June 27, 2018



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1 IN THE DISTRICT COURT
2 FOR THE UNITED STATES OF AMERICA
3 WESTERN DISTRICT OF TENNESSEE

4 EDWARD ALAN YEARTA,)

5 Plaintiff)

6 VS.)

Civil Action No.:
2:17-cv-2117 SHM-egb
JURY DEMANDED

7 AMUSEMENTS OF AMERICA, INC.;)
8 DELTA FAIR, INC.; UNIVERSAL)
9 FAIRS, LLC; and BELLE CITY)
10 AMUSEMENTS, INC.,)

11 Defendants,)

12 AMUSEMENTS OF AMERICA, INC.,)

13 Crossclaim Plaintiff,)

14 VS.)

15 BELLE CITY AMUSEMENTS, INC.,)

16 Crossclaim Defendant.)

17 DEPOSITION

18 OF

19 RONALD DOUBERLY

20 June 27, 2018

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<p style="text-align: right;">166</p> <p>1 front of the -- the side of the trailer, pretty much in</p> <p>2 the -- like the same position I would be.</p> <p>3 Q. At the Alpine Bobs?</p> <p>4 A. Yes.</p> <p>5 Q. Do you think Edward Yearata did anything wrong</p> <p>6 that day?</p> <p>7 MR. MAST: Objection to form.</p> <p>8 MS. NELSON: Object to form.</p> <p>9 Q. Do you think --</p> <p>10 A. I don't -- I don't know because I'm not familiar</p> <p>11 with Alpine Bobs. I've --</p> <p>12 Q. Okay.</p> <p>13 A. I don't set up that ride.</p> <p>14 Q. Well, let me put it that way. You know, you</p> <p>15 understand that Edward Yearata was on the Alpine Bob (sic).</p> <p>16 Where was the Alpine Bob in relation to the Ring of Fire?</p> <p>17 A. The Ring of Fire was here (indicating) and the</p> <p>18 Alpine Bobs was to the left.</p> <p>19 Q. Okay. We're looking at the backs of the rides?</p> <p>20 A. The -- yes.</p> <p>21 Q. And you understand that he was electrocuted</p> <p>22 during this incident; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And he wasn't touching the Ring of Fire; right?</p>	<p style="text-align: right;">167</p> <p>1 A. No.</p> <p>2 Q. Do you have an idea of how he was electrocuted,</p> <p>3 how that electricity got to him?</p> <p>4 A. I'm assuming that it passed through the Ring,</p> <p>5 through the generator and to that ride. I --</p> <p>6 Q. Were the rides connect -- both rides connected to</p> <p>7 the same generator?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know who connected them to the generator?</p> <p>10 A. I -- I connected my lead line, and he connected</p> <p>11 his lead line.</p> <p>12 Q. All right. So Edward connected his lead line to</p> <p>13 the Ring of Fire?</p> <p>14 A. Yes. As far as I know, yes.</p> <p>15 Q. Or I'm sorry. Edward connected his lead line</p> <p>16 from the Alpine Bob to the generate -- generator?</p> <p>17 A. Yes. That's my understanding, yes.</p> <p>18 Q. Can you -- the generator, it was a trailer</p> <p>19 generator?</p> <p>20 A. Yes.</p> <p>21 Q. Could you draw a -- just a rough picture of it?</p> <p>22 It doesn't need to be really anything more than a box, but</p> <p>23 I want you to be comfortable with it.</p> <p>24 A. (Witness complies.)</p>
<p style="text-align: right;">168</p> <p>1 Q. Okay. That's perfect. Where are the lead lines</p> <p>2 going into that generator?</p> <p>3 A. There's -- oops, I forgot the -- there's -- the</p> <p>4 way this is drawn, this -- this (indicating) would be the</p> <p>5 driver's side.</p> <p>6 Q. Okay.</p> <p>7 A. If a -- if a --</p> <p>8 Q. I've got you.</p> <p>9 A. -- truck was hooked to it, you would be looking</p> <p>10 at the driver's side. On the passenger's side, this</p> <p>11 (indicating) is the panel that has breakers and cams to</p> <p>12 connect --</p> <p>13 Q. Is --</p> <p>14 A. -- lead lines to.</p> <p>15 Q. Does the panel hang down like that?</p> <p>16 A. Yes. It sits --</p> <p>17 Q. Okay.</p> <p>18 A. -- a part of the trailer that has --</p> <p>19 Q. And do you --</p> <p>20 A. -- doors open -- open up.</p> <p>21 Q. So you open it up and it -- the door opens up and</p> <p>22 it hangs down?</p> <p>23 A. No. On most of them, the doors swing up.</p> <p>24 Q. Okay. And on that one, did the door swing up?</p>	<p style="text-align: right;">169</p> <p>1 A. I'm not sure if this one had doors that swing up</p> <p>2 or doors that remove completely, because different</p> <p>3 generators have different setups the way they're designed,</p> <p>4 different designs.</p> <p>5 Q. On this one, do you remember was there just one</p> <p>6 panel where you put the lead lines in?</p> <p>7 A. No, I can't remember if there was just one.</p> <p>8 Q. Did the lead line from the Alpine Bob go into the</p> <p>9 same panel that the lead line from the Ring of Fire was</p> <p>10 going into?</p> <p>11 A. Yes.</p> <p>12 Q. And these lead lines, are they basically big wire</p> <p>13 cables?</p> <p>14 A. Yes.</p> <p>15 Q. And they provide power to the respective rides?</p> <p>16 A. Yes.</p> <p>17 Q. How many rides can this particular generator that</p> <p>18 we're talking about that these rides were hooked up to on</p> <p>19 August 30th -- how many rides can it provide power to at</p> <p>20 the same time?</p> <p>21 A. I'm not sure because I don't know if it was a 500</p> <p>22 kilowatt generator or 250 kilowatt generator. I don't</p> <p>23 know the size of the generator.</p> <p>24 Q. Did you have permission to use the generator?</p>

Ronald Douberly - June 27, 2018

<p style="text-align: right;">170</p> <p>1 A. Yes.</p> <p>2 Q. Do you know if Edward had permission to use the</p> <p>3 generator?</p> <p>4 A. Yes.</p> <p>5 Q. And who -- who did you get permission from?</p> <p>6 A. Jerry Sears.</p> <p>7 Q. Who is Jerry with?</p> <p>8 A. He works for Belle City.</p> <p>9 Q. And it's your understanding Belle City owned the</p> <p>10 generator?</p> <p>11 A. Yes.</p> <p>12 MR. TEITENBERG: Can we mark that as Exhibit 10?</p> <p>13 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT</p> <p>14 WAS MARKED AS EXHIBIT NO. 10, AND IS</p> <p>15 HERETO ATTACHED.)</p> <p>16 Q. This is a page --</p> <p>17 A. Okay.</p> <p>18 Q. -- from the Ring of Fire manual, and it looks to</p> <p>19 be a diagram of how the Ring of Fire opens. And I want</p> <p>20 you to take a look at that and tell me if you're familiar</p> <p>21 with that diagram.</p> <p>22 A. Yes.</p> <p>23 Q. And am I correct? Is this a schematic showing</p> <p>24 how far the Ring of Fire -- or -- or how the Ring of Fire</p>	<p style="text-align: right;">171</p> <p>1 opens?</p> <p>2 A. Yes.</p> <p>3 Q. And the top view is looking down on the Ring of</p> <p>4 Fire?</p> <p>5 A. Yes.</p> <p>6 Q. And then the side view is looking at the Ring of</p> <p>7 Fire, I guess, from -- in this case, it looks like the</p> <p>8 back side of the trailer?</p> <p>9 A. Yes.</p> <p>10 Q. And then the end view is looking down the -- the</p> <p>11 length of the trailer; correct?</p> <p>12 A. Yes.</p> <p>13 Q. And this is -- as I said, this was a page I</p> <p>14 pulled from the manual.</p> <p>15 A. Yes.</p> <p>16 Q. It gives various lengths and distances. If you</p> <p>17 take a look at the end view, the bottom number there has</p> <p>18 that 24 foot, 8 inch distance.</p> <p>19 A. Yes.</p> <p>20 Q. And it looks like that's coming from the side of</p> <p>21 the trailer in this diagram, where you put your back up to</p> <p>22 when you paced it off? Do you --</p> <p>23 A. Yes.</p> <p>24 Q. -- agree? And that at that point, when it's out</p>
<p style="text-align: right;">172</p> <p>1 that distance, if we follow up the diagram, it looks like</p> <p>2 the height of that section is 28 foot, 9 inches?</p> <p>3 A. Yes.</p> <p>4 MR. TEITENBERG: Okay. I'd like to mark that as</p> <p>5 Exhibit 11.</p> <p>6 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT</p> <p>7 WAS MARKED AS EXHIBIT NO. 11, AND IS</p> <p>8 HERETO ATTACHED.)</p> <p>9 MS. NELSON: John, do you mind if we take a quick</p> <p>10 break?</p> <p>11 MR. TEITENBERG: Yeah, sure.</p> <p>12 THE VIDEOGRAPHER: Going off the record. The</p> <p>13 time is 7:22.</p> <p>14 (Brief recess.)</p> <p>15 THE VIDEOGRAPHER: Going back on the record. The</p> <p>16 time is 7:29.</p> <p>17 Q. Mr. Douberly, on August 30th, 2016, you mentioned</p> <p>18 that you saw Edward that day before the incident; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And did he appear normal to you that day?</p> <p>21 A. Yes.</p> <p>22 Q. There didn't appear to be anything wrong with</p> <p>23 him?</p> <p>24 A. No, sir.</p>	<p style="text-align: right;">173</p> <p>1 Q. And if there was, if he look weird or was acting</p> <p>2 strange, would you have a duty to notify someone?</p> <p>3 A. Well, I really wouldn't know what strange for</p> <p>4 Edward would be because I -- I really didn't know him.</p> <p>5 Q. Well, let's -- let's -- I appreciate that. Let's</p> <p>6 say if you looked over and he looked visibly intoxicated</p> <p>7 while he was doing something or if anyone that was setting</p> <p>8 up a ride around you looked like they were intoxicated,</p> <p>9 would you have a duty to -- to tell someone?</p> <p>10 A. Absolutely.</p> <p>11 Q. Who would you tell?</p> <p>12 A. Whoever that individual worked for.</p> <p>13 Q. Okay. Do you know what happened to the Ring of</p> <p>14 Fire immediately after the -- the incident after you got</p> <p>15 back from the hospital?</p> <p>16 A. No, sir.</p> <p>17 Q. Did it go into service at the 2016 Delta Fair?</p> <p>18 A. No, sir.</p> <p>19 Q. What about the generator, do you know what</p> <p>20 happened to that?</p> <p>21 A. No, sir.</p> <p>22 Q. Do you know whether that went into service at the</p> <p>23 2016 Delta Fair?</p> <p>24 A. No, I don't know if it was still used.</p>

Ronald Douberly - June 27, 2018

<p style="text-align: right;">246</p> <p>1 Q. Do you know anything else about this incident</p> <p>2 that we have not already discussed?</p> <p>3 A. Nothing that I can really put my finger on and</p> <p>4 think about.</p> <p>5 MS. TULLIS: All right. I pass the witness.</p> <p>6 MS. NELSON: Okay. I just have a few follow-up</p> <p>7 questions.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MS. NELSON:</p> <p>10 Q. Mr. Douberly, I want you to look at Exhibit</p> <p>11 No. 18, which is in front of you.</p> <p>12 A. Okay.</p> <p>13 Q. It's a picture of the generator truck.</p> <p>14 A. Yes.</p> <p>15 Q. Are there any grounding rods in this photograph?</p> <p>16 A. Not that I can see, no.</p> <p>17 Q. Where would the grounding rods be located if they</p> <p>18 were -- if they were placed?</p> <p>19 A. Probably a couple of feet out in front of the</p> <p>20 panels and six foot apart.</p> <p>21 Q. Okay. Again, in the -- in this photograph, there</p> <p>22 are no grounding rods?</p> <p>23 A. No.</p> <p>24 Q. Okay. You talked about a discussion that you had</p>	<p style="text-align: right;">247</p> <p>1 with Jerry Sears of Belle City Amusements on August 30,</p> <p>2 2016. Do you remember talking to Ms. Tullis about that?</p> <p>3 A. Yes.</p> <p>4 Q. And you testified that he told you that the</p> <p>5 generator was good to go before you plugged in. Is that</p> <p>6 correct?</p> <p>7 A. No. He -- we were plugged in with the breakers</p> <p>8 turned off waiting for the plant to be started. Once the</p> <p>9 plant was started, he stopped by and said the generator's</p> <p>10 good to go.</p> <p>11 Q. Okay. And when he said that -- those words to</p> <p>12 you, good to go, what did that mean to you?</p> <p>13 A. To me that meant that the generator was up to</p> <p>14 power and it was ready for the breakers to be turned on.</p> <p>15 Q. Did that mean that it had been prepped and</p> <p>16 readied?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Did that mean to you that it had been</p> <p>19 grounded?</p> <p>20 A. It would be a fair assumption, yes.</p> <p>21 Q. You talked to Mr. Teitenberg and testified about</p> <p>22 Richard Donais and Paul Hill. Do you remember that</p> <p>23 testimony?</p> <p>24 A. It was actually Dave Hill, not Paul Hill.</p>
<p style="text-align: right;">248</p> <p>1 Q. David (sic) Hill.</p> <p>2 A. Sorry.</p> <p>3 Q. So Richard Donais and David Hill?</p> <p>4 A. Yes.</p> <p>5 Q. And you testified about them training you on the</p> <p>6 Ring of Fire?</p> <p>7 A. Yes.</p> <p>8 Q. Had they both worked on the Ring of Fire for</p> <p>9 Amusements of America in the past?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know how many years they worked on the</p> <p>12 Ring of Fire?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. You also testified about the Ring of Fire</p> <p>15 being sold in November 2016?</p> <p>16 A. I'm not sure the exact date. I know that it was</p> <p>17 sold after the -- at some point in time after the 2016</p> <p>18 season ended. So I -- I don't know if it was in November</p> <p>19 or December or maybe if it was in January or February or</p> <p>20 whatever of 2017. I know it was sold after the season</p> <p>21 ended and before the next season --</p> <p>22 Q. Okay.</p> <p>23 A. -- started.</p> <p>24 Q. Do you know if the -- do you have any knowledge</p>	<p style="text-align: right;">249</p> <p>1 as to whether the Ring of Fire was on the market and for</p> <p>2 sale and advertised?</p> <p>3 A. Yes.</p> <p>4 Q. And do you know for how long it had been</p> <p>5 advertised?</p> <p>6 A. I believe it was for at least a year before it</p> <p>7 was sold it had -- it was on the market.</p> <p>8 MS. NELSON: Okay. Those are all the questions I</p> <p>9 have for you.</p> <p>10 THE WITNESS: Thank you.</p> <p>11 REDIRECT EXAMINATION</p> <p>12 BY MR. TEITENBERG:</p> <p>13 Q. I had a few follow-ups --</p> <p>14 A. Okay.</p> <p>15 Q. -- to go through. The first thing I wanted to do</p> <p>16 is I wanted to ask you about this picture again. We never</p> <p>17 marked it as an exhibit. This is the picture that you</p> <p>18 were talking about before that included the Scrambler. Do</p> <p>19 you --</p> <p>20 A. Right.</p> <p>21 Q. -- recognize that?</p> <p>22 A. Yes.</p> <p>23 Q. And you -- you said that's basically the spot</p> <p>24 in -- where the Ring of Fire was located when you were</p>